



**MINUTES OF THE CITY COUNCIL
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 28, 2003, 8:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson, Rodriquez, Ward, Dowling
MAYOR Cooper
Absent: COUNCIL MEMBER Henson

PUBLIC COMMENTS

Jason Moreno spoke on subsidized rental units and voters in Hayward.

Barbara Swarr spoke on City of Hayward revenues and asked questions regarding the contracts of various bargaining units.

Francisco Abrantes reiterated a previous issue with a property adjacent to his own.

Ron Koshmieder enumerated various public safety problems on his street as a result of the bicycle lane.

Mayor Cooper asked that Public Works Director Butler call him. It was noted that Mr. Koshmieder is in litigation with the City so discussion could be limited.

Milan Sramek discussed his rental property located at 1842 Highland Boulevard and the complaints made by neighbors at a previous Planning Commission meeting.

Mayor Cooper suggested he resolve his complaints with the Planning Department.

City Manager Armas commented that there were multiple sides to this story with various issues.

CONSENT

Consent Items 1 and 2 were removed for further discussion.

1. Approval of Minutes of the City Council Meeting of October 21, 2003

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried, with Council Member Henson absent, to approve the minutes with a minor revision of the City Council Meeting of October 21, 2003.

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Council Member Ward asked that his comment related to the Board of Realtors be included.

2. Resolution Calling for a General Municipal Election to be held on March 2, 2004

Staff report submitted by City Clerk Reyes, dated October 28, 2003, was filed.

Jason Moreno explained that he would be registering voters for this upcoming election.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried, with Council Member Henson absent, to adopt the following:

Resolution 03-143, "Resolution of the City Council of the City of Hayward Calling for a General Municipal Election and Requesting the Board of Supervisors of Alameda County to Provide for the Consolidation of a General Municipal Election of the City of Hayward with the State of California Primary Election to be Held on March 2, 2004, for the Purpose of Electing the Four Members of the City Council for the Terms of Four Years"

3. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Acting Director of Finance and Internal Services Lewis, dated October 28, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried, with Council Member Henson absent to adopt the following:

Resolution 03-142, "Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Amending the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

HEARINGS

4. Zone Change No. PL-2002-0722 and Vesting Tentative Tract Map 7435/PL-2002-0726 - Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner) - Request to Change the Zoning from a Single-Family Residential (RSB6) District to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes - The Project Location is 26965 Hayward Boulevard

Staff report submitted by Associate Planner Pearson, dated October 28, 2003, was filed.



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Planning Manager Anderly made the staff report using various graphics to demonstrate the visual impact to that neighborhood. She noted that the project had engendered controversy at the Planning Commission but was approved. She responded to questions related to traffic and parking from the Council. She described the traffic and parking issues at Spencer Lane, the closest intersection, and the left turns onto Hayward Boulevard. Subsequent to the Planning Commission approval, the developer added additional parking.

Council Member Rodriquez discussed the problems on Spencer Lane, which is not an easy street to accommodate parking and would not be her recommendation as it is not that wide of a street. She suggested that she would like to see more parking on the development itself, and a less dense project. She also asked whether there was a proposed tot lot.

Council Member Hilson asked about the neighborhood plan in relation to the General Plan designation. He commented on the Planned Development and asked for the community benefit as compared to the developer's own. He added that parking is a serious problem in that area.

Planning Manager Anderly explained that this is a different housing option, which would provide a transition type housing in that neighborhood between the condominium units on one side and the single-family units on the other.

Council Member Hilson was not fully satisfied with this development, nor was he satisfied with the parking solution. He felt that this project had an overabundance of units.

Council Member Ward discussed the correspondence received from the Gardenwood Terrace Board of Directors. The Board of Directors requested landscaping and asked for a limitation of tree height on its boundary.

Mayor Cooper opened the public hearing at 9:04 p.m.

Jeff Potts, architect for the applicant, explained the reason for the planned development, described the articulation of the buildings, and discussed the five-foot grading to lower the height of the buildings. It will be a detached town-home project that includes detached units, and private yards.

The development will include a requirement to utilize the garages for autos. He noted the City of Hayward was gaining affordable housing, a benefit to the community.

Jason Moreno objected to the project, as there are no recreation facilities.

Jeff Blum, a neighbor on Dobbel Street, spoke of his concern regarding the density of the project and the parking impacts to his neighborhood. He asked that the project be denied.

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Joel Thomas, a single parent, spoke in favor of the project, which would provide more affordable housing with a neighborhood environment.

Jean Wilmes, a Parkside Drive neighbor, spoke in favor of the project and spoke to the Council's concerns regarding parking, traffic and density.

Rob Simpson, Grandview Avenue resident, spoke in favor of the project. As a real estate broker, he felt this was the best project for the site and would provide additional affordable housing and promote diversity.

Evermont King, a Hayward resident, spoke in favor of the new projects and housing in Hayward and "homeowner pride." He added that he is proud to live in Hayward.

Brian Schott, former chair of the Hayward Highland Neighborhood Task Force, said he would recommend this project. The community benefits from permit fees, property taxes, and park in lieu fees, as well as gains fifteen family homes.

David Edu, consulting engineers for this project, pointed out six visitor parking stalls for the project.

Robert Sakai, former vice-chair of the Hayward Highland Neighborhood Task Force, reiterated the task force's discussion related to the development of this neighborhood and the development potential for lots on Hayward Boulevard. He supported the project.

Tina Stewart, representing Evelyn Lutz, the homeowner of this property, spoke in favor of the project, noting that Ms. Lutz was a 47-year resident on this property. Ms. Lutz is hopeful that she can develop her property.

Tracy Fraas spoke on density issues and private properties. She urged Council to refer the plan back to the Planning Department to develop driveways, for example, and reduce the density of the project.

Paul Martin, project developer, explained that the issue is parking. After the Planning Commission hearing, additional parking spaces were added to increase available parking to 2.4 parking per unit. He also discussed the fact that the height was lowered from 38 feet to 31 feet. He indicated that this project is filling out Hayward Boulevard to its potential. He also responded to questions from the Council indicating that this is a quality product. He reported that as the developer, he would include in the CC&R's, a requirement to require parking within the garages and not allow residential permanent parking in the guest parking spots.

Council Member Ward asked Ms. Fraas to reiterate her view of the discussion that took place regarding this property at the Neighborhood Task Force.

Ms. Fraas remembered the Task Force being adamant regarding the single-family homes at this property. She explained that several of the apartment houses use Spencer as over-flow parking.



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Mayor Cooper closed the public hearing at 9:43 p.m.

Council Member Dowling moved the staff recommendation, seconded by Council Member Jimenez. He then spoke to the motion. He said it was a very good project and well designed. He noted that it is a good transition for this neighborhood. He suggested strong CC&R's for parking and good enforcement.

Council Member Ward commented on the process. He described traffic problems and agreed with those living on Spencer that this will impact those residents adding that homeowners must ensure that the CC&R's are enforced. This project is consistent with the General Plan and would be a good project. He noted that vacant lots in neighborhoods generally preclude some kind of building.

Council Member Hilson argued against the project's density for that site. This is neither smart growth nor smart planning and is creating additional problems for other neighborhoods. Where we create a problem, we must create a solution. He encouraged "Smart Planning," which he said this was not; as a result he could not support the motion.

Council Member Rodriguez agreed that there should be density of this type on this street, yet there is still a need for more open space and more parking for this project. You cannot control who is going to buy the houses. There are some positive elements to the project, and she suggested she would like to see the developer re-design some of the houses and move the buildings back together. She added that she would like to see a better-planned development. She agreed with the property being dropped for the views of neighbors, but wished there were more parking and more recreational facilities.

Mayor Cooper said she would like one unit taken out for more guests parking. She thought that this type of housing would not appeal to empty nesters due to numerous stairs. The park across the street fulfills the open space requirement. She again suggested consideration of removing at least one unit to include additional parking.

Mr. Martin suggested additional parking at the ends of the rows. He requested continuing the matter to discuss it with his engineer and Planning staff.

Planning Manager Anderly said other adjustments would have to be made.

City Manager Armas suggested there would be more time involved to work out this issue. He also cautioned members that the next meeting would not be until November 18, at which time there will be a large audience due to the marijuana issue being on the agenda.

Council Member Dowling withdrew his motion.

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Council Member Ward offered a substitute motion to continue this item until the 18th to allow Planning and the developer to resolve the issue of parking. Council Member Dowling seconded the motion.

Mr. Martin asked for an abbreviated decision on the next meeting, since many of those people who wanted to had spoken. He said he supported the continuation.

It was noted that Brown Act regulations could not prohibit interested parties to speak.

The motion to continue the item carried with Council Member Henson absent.

LEGISLATIVE BUSINESS

5. Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Prior to State Government Action to Take Local Tax Funds

Staff report submitted by City Manager Armas, dated October 28, 2003, was filed.

City Manager Armas made the staff report. He noted that the item was on the Agenda at the request of Council Member Hilson. The League of California Cities will be circulating a ballot measure that would require two-thirds legislative approval and then voter approval in order for any State law to be enacted which would take away local dollars.

Council Member Hilson commented that the State has siphoned off over \$50 million from the City of Hayward. He noted that there is a minor update on the ballot measure. There are some legislature changes that may change the percentage needed for approval, which the initiative will reflect.

Mayor Cooper opened and closed the public hearing at 10:10 p.m.

It was moved by Council Member Hilson, seconded by Council Member Ward, and carried, with Council Member Henson absent to adopt the following:

Resolution 03-144, "Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

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Mayor Cooper adjourned the meeting at 10:11 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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